

CITY OF SANTA CLARA



HISTORICAL AND LANDMARKS COMMISSION
MEETING

September 4, 2008 - Thursday
City Council Chambers
1500 Warburton Avenue, Santa Clara
*** MINUTES ***
7:00 P.M.

ITEMS FOR COUNCIL ACTION

The following items from these Historical and Landmarks Commission minutes are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Historical and Landmarks Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items: **There were no items.**

- I. Call to Order
Chairperson Wilson called the meeting to order at 7:00 p.m.
- II. Roll Call
Christina Francisco Patton, Gerald McKee, Ed Richards, Kris Motyka, and Rosalie Wilson.

Staff present: City Attorney Helene Leichter, City Planner Carol Anne Painter, HLC Staff Liaison/Associate Planner Jeff Schwilk, and Volunteer Architectural Advisor Craig Mineweaser, AIA.

Also present was Honorary City Historian Lorie Garcia.

Ms. Painter noted that Commissioner Marinshaw previously requested to be excused from this meeting.

Chairperson Wilson noted that Commissioner Petersen submitted a letter of resignation from the Commission.

It was moved by Commissioner Richards, seconded by Commissioner Motyka and carried, to excuse Commissioner Marinshaw, and to accept Commissioner Charles Petersen's resignation from the Commission.

- III. Requests for withdrawals and continuances without a hearing
There were none.

- IV. Approval of Minutes of August 7, 2008
Commissioner Motyka submitted a written Correction/Addition to the Minutes from the August 7th meeting of the Historical and Landmarks Commission, stating:
"Commissioner Motyka stated that she had visited the Morse Mansion earlier that week and met one of the current residents of the house, a member of Kappa Alpha Theta sorority. She was then given a tour of the house, upstairs and downstairs, and noted that most of the window treatments had been replaced by paper or metal blinds and all upstairs carpeting had been torn out and replaced. It also appeared that French doors had been added downstairs off one of the parlors. At the time of the visit, there were 3 girls living at the Morse Mansion."

It was moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried(5-0-1-1, Commissioner Marinshaw absent), to approve the Minutes of the August 7, 2008 Historical and Landmarks Commission meeting, subject to inclusion of Commissioner Motyka's statement as quoted above.

- V. Council and Planning Commission Actions Pertaining to the Historical and Landmarks Commission (Discussion as Needed)
Mr. Schwilk reviewed the City Council and Planning Commission minutes and summaries from the August meetings, for hearings and actions pertaining to the Historical and Landmarks Commission.
- VI. Correspondence/Announcements
A. General Correspondence Distributed in Commission Packet
There was no discussion.
- VII. Public Presentations
Honorary City Historian Lorie Garcia informed the Commission that she had information to present on Agenda Item V.III.E , and requested that the item be taken out of order.
- VIII. New Business
A. Proposed Demolition of the Field House Building at Santa Clara University – 500 El Camino Real (PLN2008-07226)

Representing the applicant, Joe Sugg of Santa Clara University was present for the discussion.

Mr. Schwilk noted that this item had been continued from the August 7th meeting, for proper placement on the agenda and then summarized the staff report and staff recommendation. Mr. Schwilk stated that there were no changes to the staff report from August 7, 2008, other than a change to the dates of the report.

Commissioner McKee noted that he is a longtime resident of the City, and commented that, when he read the report and attachments, he recalled many years ago that the East Team of the East-West Shriners Football League used to practice at Santa Clara University in preparation of their games in San Francisco.

It was then moved by Commissioner Richards, seconded by Commissioner McKee and unanimously carried to accept the staff report and recommendation as prepared.

Mr. Mineweaser noted that on the ROTC building requested for demolition a few months prior, his firm also prepared photo documentation and major drawing of the Field House Building, and this was submitted to the City for archiving.

B. Commission Inquiry from June 5, 2008, Regarding Construction Activity - Ricard Observatory, at Santa Clara University (PLN2008-06972)

Representing Santa Clara University, Mr. Joe Sugg was present for the discussion.

Mr. Schwilk noted that this item had been continued from the August 7th meeting, for proper placement on the agenda and then summarized the staff report. Mr. Schwilk stated that there were no changes to the staff report from August 7, 2008, other than a change to the dates of the report.

Mr. Sugg addressed the Commission, noted that restoration work was performed on the Ricard – its clean and painted and the windows work. He noted that it will be the home of the Archaeology Lab, which will be relocated there.

It was moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried that the Commission note and file the staff report.

C. Request for Historic Designation and Mills Act Contract –753 Park Court

Representing the application, property owner Carol Mitchell, and her consultant Lorie Garcia, were present for the discussion.

Mr. Schwilk summarized the staff report and staff recommendation, noting the recent 312 square-foot addition to the rear of the residence, as well as relocation of the detached garage to the rear of the property. Mr. Schwilk further noted that, the addition to the original 962 square foot structure represents a 32 percent increase, exceeding the maximum 25 percent expansion policy of the Commission.

Accordingly, staff was recommending approval of the historic designation of the property, but was not supporting a Mills Act contract for the property.

Carol Mitchell then addressed the Commission and stated her belief that the Commission adopted its maximum 25% expansion criteria for supporting Mills Act Contracts, after she obtained permits for her addition a few years ago. She noted that had she been informed of the 25 percent rule, she and her husband would not have exceeded it. She noted that, had they known, they would have built a smaller addition, or expanded the basement, or built a larger garage. She further stated that, while previously in the Planning process for her addition, she was informed by staff that any time would be the best time to apply for a mills act contract. She also noted that the addition is not visible from the front street, is modest, fits the neighborhood, does not change the look of the house, and that great effort was made to preserve the historical integrity of the building with the addition, and that she and her husband have tried hard to fulfill all of the City requirements. She stated that the extra 12-feet at the back of the house was needed to create closet space for the home, and a place for the laundry. Otherwise, it is still the original two-bedroom, one-bathroom home. In a small house of 962 square feet, storage space was a problem. She stated that the Commission should approve the Mills Act request for the property, because the home retains its historic appearance from the street on a street of historic homes, and because permits for the addition were obtained before the 25-percent policy was adopted by the Commission.

In response to a question by Commissioner McKee, Mrs. Mitchell noted that she obtained permits a little more than one year ago – late summer last year.

Commissioner McKee clarified his recollection that the maximum 25-percent expansion policy of the Commission was adopted sometime in 2006, which would have been before permits were obtained for the addition.

In response to an inquiry by Ms. Painter on the basement area, Mrs. Mitchell noted that the basement is the original quarter basement beneath the house that she and her husband had considered using for light duty storage, until all of the basements in the area had flooded in the previous year.

Ms. Painter noted that if the owner were willing to provide details on the existing basement, including its size, and if the applicant was proposing to finish off the basement area so that it is usable space, staff could add that area to the 962 square feet and recalculate the percentage of the expansion.

Lorie Garcia noted that the staff report was incorrect in referring to the garage as being relocated. She noted her understanding that the garage was rebuilt in the same location, with the garage door being relocated to the rear to serve vehicle access from Cypress Alley to the rear.

It was then moved by Commissioner Richards, seconded by Commissioner Motyka and unanimously carried to recommend that the property be added to the City's list of Architecturally or Historically Properties.

Lorie Garcia then addressed the Commission on the subject of the Mills Act. She commented that the Commission's policy of limiting its support for Mills Act contracts only to those homes that have not been expanded by more than 25 percent of the original floor area is problematic, in that additions have always been allowed to historic properties. She noted this policy is unusual. She noted her understanding that the Commission adopted this in looking at some way to handle the number of Mills Act proposals to the City, and further noted that it is unfortunate the City does not have a process for differentiating properties that are added to the City's Historically Significant List from those properties that are Landmark properties, which many other cities have, where only Mills Acts can be granted to landmark properties. National trust guidelines or otherwise, additions to homes on historic properties are allowed. Considerations for the addition should be where they are placed and how they are placed. She noted her concern that, if the City continues to follow such a policy, it would lessen the viability of the City to encourage maintenance and preservation of smaller homes on smaller properties. She requested that the Commission revisit this policy and look at other ways, such as encouraging one-story additions rather than two-story additions, to control the number of Mills Act contracts issued in the City.

Commissioner Richards noted that the Commission spent a lot of time developing the 25 percent policy and the other guidelines for the Commission's support of Mills Act Contracts. He noted that, until the Commission revisits its policies and changes its guidelines, he would continue to adhere to them.

Commissioner Motyka requested that the item be continued, to allow staff to revisit the calculations, including reporting back on adding finished versus unfinished areas of the basement.

It was then moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried, to place this item on hold, in order to allow the Commission time to review and discuss its policies for supporting Mills Act contracts, including the 25-percent guideline, at the next meeting.

- D. Report on public input, questions and Commission direction, from August 7, 2008 - Morse Mansion at 981 Fremont Street

Representing the property owners, Mr. Myron Von Raesfeld was present for the discussion. Also present were the following residents: Lou Faria, Bob Blake, Dorothy Ledtje and Mike Ledtje.

Staff did not expand on the staff report, but focused on answering questions. Public comments were made by Mr. Faria and Mr. Von Raesfeld. Mr. VonRaesfeld noted

he was only at liberty to assure the Commission that the owners cared about the house and the neighborhood and were working with the City. The Commission's reaction was not positive to this approach. Mr. Faria noted his perception that neither Planning staff nor the owners were forthright in responses to questions by him or other neighbors. Staff was asked by the Commission to address Mr. Faria's accusations that staff purposefully misrepresented information. Ms. Painter did take exception to Mr. Faria's allegations and stressed that staff's role is to provide the best information available. Ms. Painter indicated that while there may have been some inadvertent mis-communication based on staff's interpretation of Mr. Faria's questions, staff did not intentionally mislead him. Other discussion topics included the fire sprinkler permit, the current property ownership, the lack of an application on file, and the lack of compliance with the City's August 22nd directive to vacate the property. City Attorney Helene Leichter stated that the property is zoned for office use and that any residential use would require a legislative action by the City Council. The Commission agendaized this issue for further discussion at its October meeting, and requested that staff provide any additional correspondence and follow-up related to meetings held between now and then.

- E. Responsible Agency Review and Comment on an Initial Study/Preliminary Mitigated Negative Declaration for a water pipeline reliability construction project, proposed by the San Francisco Public Utilities Commission, within the Ulistac Natural Area on Lick Mill Boulevard, at the Fairway Glen Pump Station.

The Commission heard this item out of order, before item VIII.A on the agenda. Mr. Schwilk provided a brief background of the project, and noted that the City is a Responsible Agency under CEQA for this project, in advising the Lead Agency – the San Francisco Public Utilities Commission of the City and County of San Francisco. Mr. Schwilk noted that this project is being presented to the Historical and Landmarks Commission for a recommendation to be included with the City's comments to the City and County of San Francisco, Planning Department.

Ms. Painter noted that the difference between the City's proposed recommendations, and the draft mitigation in the City and County of San Francisco's preliminary Mitigated Negative Declaration, is that the City is recommending that both a culturally affiliated Native American Representative and a qualified archaeologist, be on site to monitor all earth moving activities, rather than only requiring monitoring after discovery of remains or artifacts. The City of Santa Clara is concerned about the known archaeological sensitivity of the project area, and recommends that all earth-moving activities be monitored during construction.

The meeting was opened for public comments.

Honorary City Historian Lorie Garcia then addressed the Commission and submitted a Topographic Map from a previous report by Basin Research and Cardie Associates, which notates known burial sites in and around the project area. Ms. Garcia also presented her latest copy of the Archaeological Conditions and

Mitigation Requirements being applied to the Santa Clara University area and a portion of the Old Quad-another archaeologically sensitive area in the City. She noted that the City's recommendation should include the same or similar conditions applied to the University area, especially the requirements for pretesting the site before construction, and also for the archaeologist to prepare and submit a layman's report within one year of completion of the development. Ms. Garcia stressed that this area should be treated with extreme caution, and stated that it is incumbent on the City to protect its resources.

The public hearing was then closed.

It was moved by Commissioner Richards, seconded by Commissioner Motyka, and unanimously carried to recommend incorporation of the suggestions made by Honorary City Historian Lorie Garcia, into the City's comments letter to the City and County of San Francisco's Public for this project.

IX. Old Business, Referrals and Continued Items (Action Items)

- A. Architectural Review and Variances for substandard side yard setbacks and a one-car garage where two covered spaces are required, in conjunction with the proposed construction of a single-story, single family residence – 1444 Market Street (PLN2008-07224).

The property owner Lisa Freitas, and her representative, Mr. Robert Chojnacki, were present for the discussion. Mr. Schwilk briefly reviewed the written request of the applicant, noting that the applicant desires that this request be forwarded on to the Planning Commission without a recommendation from the Commission.

Representing the applicant, Mr. Chojnacki was present for the discussion. Mr. Chojnacki summarized the discussion at the June 18th Architectural Committee. He also summarized the points raised by his firm in the August 28th letter to the City, noting the owner's position that it seems unreasonable for the City to expect redesign, and that it would be best to reconstruct the house in a design similar to that which the City approved in 2006.

A few of the Commissioners commented that their position from the August 7 meeting remains unchanged. Commissioner Richards noted that he still supported recommending a redesign of project to include a detached garage that is moved further to the rear of the property, and encouraged the Commission to forward a recommendation to the Planning Commission to that effect.

It was moved by Commissioner Motyka and seconded by Commissioner Richards, that the Commission recommend denial of the Architectural Review and Variance request for the project as proposed. Motion failed by the following roll call vote, due to lack of a majority vote of the full membership of the Commission (3-2-1, Commissioners Wilson and Patton opposed, Commissioner Marinshaw absent).

It was then moved by Commissioner Richards, seconded by Commissioner McKee and carried (4-1-1, Commissioner Patton opposed, Commissioner Marinshaw absent), that the Commission forward this project on to the Planning Commission with a recommendation of Conditional Approval, with the condition that the project be redesigned with a one-car detached garage in lieu of the proposed one-car attached garage, consistent with its previous recommendation for redesign at the August 7, 2008 meeting.

Ms. Painter noted that the project will be scheduled for review by the Planning Commission at the meeting of September 24, 2008

- X. Commissioner/Committee Reports (Procedural Items)
 - A. Santa Clara Arts and Historic Consortium (McKee)
[Fourth Monday of each month at 7:15 p.m. - Headen-Inman House]
There was no report.
 - B. Historic Preservation Society of Santa Clara (Marinshaw)
[Second Friday of each month at 10:00 a.m.- Harris Lass Preserve]
There was no report.
 - C. Old Quad Residents Association (Richards/McKee alternate)
There was no report.
 - D. Neighborhood University Relations (Petersen)
There was no report.
 - E. Architectural Committee (Patton)
There was no report.
 - F. Agnews Historic Cemetery Museum Committee (Wilson and Patton)
Commissioner Wilson provided a brief status report.
 - G. BART Committee (Marinshaw)
There was no report.
 - H. General Plan Steering Committee (Richards/Petersen)
Commissioner Richards provided a brief status report from the August 28th Steering Committee meeting.
- XI. Other Items, Time Permitting (Procedural Items)
 - A. Staff Communication
 - 1. General Plan Community Workshops Update
Ms. Painter provided the Commission with an update on previous and upcoming workshops

2. Review of Draft 2008-2009 HLC Work Program Outline

Mr. Schwilk reviewed the draft work program outline included Commission packets.

The Commissioners discussed the proposed outline and recommended that staff follow up on some of the ideas presented, including the arrangement of a half-day workshop for sometime early next Spring, with presentations on the State's Certified Local Government (CLG) program, the California Environmental Quality Act (CEQA), and the Brown Act.

3. Training Opportunities to satisfy AB 1234 Mandatory Ethics Training Requirements

Mr. Schwilk reviewed the information about AB1234 Mandatory Ethics Training Requirements included in the Commission packets, and informed the Commission that only one City training session will be offered this year, on Thursday, September 18, from 5:30 to 7:30 p.m., in the City Council Chambers.

4. The City Boards and Commissions Recognition Dinner will be held on October 10, 2008, at the Santa Clara Convention Center. More details to follow.

Mr. Schwilk reviewed additional details of the upcoming dinner with the Commissioners.

B. Report on balance and use of the Historic Preservation Fund

Mr. Schwilk advised the Commission on the history and purpose of the fund, and noted that, as of this meeting, there was a balance of \$69,536.36.

C. Commission Report on Training/Conferences

There was no report.

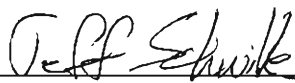
XII. Pending Agenda Items (Procedural Item)

Mr. Schwilk noted that he has contacted the Fire Department, and noted that a representative is planning to address the Commission with an update at the October 2nd meeting.

XIII. Adjournment (Procedural Item)

It was then moved by Commissioner Wilson, seconded by Commissioner Patton, and unanimously carried (5-0-1, Commissioner Marinshaw absent), to adjourn the meeting to the next scheduled meeting of October 2, 2008.

Approved:


Jeff Schwilk, AICP
Associate Planner

Approved:


Carol Anne Painter
City Planner

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